

JULY 2006 ARRC Meeting

Summary of Issues

Chairperson: Representative George Eichhorn

Vice Chairperson: Senator Jack Kibbie

ECONOMIC DEVELOPMENT DEPARTMENT, Renewable fuel infrastructure board, 06/21/06 IAB, ARC 5160B, EMERGENCY.

Background: House File 2754, Division III creates the renewable fuel infrastructure program and §29 of the Act creates an 11 member renewable fuel infrastructure board; the board is responsible for providing financial incentives for gas stations to install the necessary tanks and equipment to store and dispense E-85 gasoline or biodiesel.

Commentary: Department representatives explained the unusual circumstance where board rules were put in place before the board itself was even appointed. §34 of the Act mandated that the Department of Economic Development adopted emergency rules to begin this program, with an effective date no later than June first. Committee members had no questions concerning the rules themselves, but there was discussion concerning the statutory provisions relating to the make up of the board itself. Some members expressed concern that E-85 gasoline or biodiesel users were not adequately represented on the board. Department representatives responded that House File 2754 specifically enumerated the groups represented on the board. Committee members also noted that the board contained no ex-officio, non-voting legislative members. Members felt that the development and promotion of an infrastructure for E-85 was so important that some legislative representation on the board was important.

Action: The committee voted two actions: first, to send an informal letter to the board encouraging the board to involve E-85 gasoline or biodiesel users in the policy development process. Second, the committee voted to refer both the statute and the rule to the General Assembly, with the recommendation that the legislature consider adding non-voting legislative members to the board. This action will be further considered in August.

EDUCATIONAL BOARD OF EXAMINERS, Statement of professional recognition, 06/07/06 IAB, ARC 5157B, NOTICE.

Background: Iowa school districts may employ registered nurses to provide nursing services in the school setting. A school nurse endorsement is available for nurses who hold a baccalaureate degree, a license from the nursing board and complete the education core curriculum. The board proposes a new category: a statement of professional recognition.

Commentary: This proposed category is actually being resurrected from earlier rules; it had been rescinded a number of years ago. The statement is basically a practice authorization, and requires only that the applicant be licensed as a registered nurse. Board representatives stated that the proposal came at the request of the association of school nurses. A representative of that association noted that the initial request would have provided this formal recognition for a baccalaureate degree nurse only, in order to provide a credential which would allow for greater compensation in recognition of the nurse's higher education. Board representatives responded that it was not within their

authority to differentiate the credential based on education, when the criteria for licensure did not require a baccalaureate degree and all applicants must pass the same examination. There was a general discussing concerning the various educational levels of nursing education and nursing specialties.

Action: No action taken.

ENVIRONMENTAL PROTECTION COMMISSION, Clean Air Interstate Rule (CAIR), 06/07/06 IAB, ARC 5139B, ADOPTED.

Background: Over the next ten years the "Clean Air Interstate Rule" (CAIR), issued by the federal EPA will require large reductions of sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions in 28 states, including Iowa.

Commentary: These rules implement a "cap and trade" approach to the reduction of these emissions. The federal EPA allocates emission "allowances" for SO₂ and NO_x and Iowa will allocate those allowances to those emission sources (29 electric utilities). The allowances can be traded like a commodity; thus an emission source could opt to install pollution control devices or could buy allowances from other sources that did not need the full allotment. The cap and trade approach is estimated to cost some \$140 million annually. The concept is currently in place for the acid rain program. To ensure compliance automatic and punitive penalties on sources that do not hold the required number of allowances at the end of each year. Committee members agreed that the cap and trade approach was an effective mechanism for implementing this program.

Action: No action taken.

NATURAL RESOURCES COMMISSION, Otter season, 06/07/06 IAB, ARC 5144B, ADOPTED.

Background: Under the previous rules there was a continuously closed season on the taking of otters. The commission now implements a trapping season allowing the taking of two otters per trapper, with a 400 otter statewide limit.

Commentary: The commission estimates that there are some 7000 otters scatters throughout the state, with a growth rate of 16%. There has been both support and opposition to this rule change. Opponents contended that the studies were not scientific and that it was unreasonable to have an otter season. DNR representatives stated that public comment generally supported a trapping season.

Action: No action taken.

PHARMACY BOARD, Collaborative drug therapy management, 06/07/06 IAB, ARC 5151B, ADOPTED.

Background: This new program allows a supervising physician to delegate, with the consent of the patient, aspects of drug therapy management to an authorized pharmacist pursuant to a detailed written protocol with that pharmacist. These rules will be complimented by a similar set promulgated by the Board of Medical Examiners; a notice was published in May, 2006.

Commentary: Commenters generally voiced support for this program; however, it was noted that in other states this program was created by statute, not rule. One commenter stated that while they may be adequate legal authority for the program, its' legitimacy would be increased by a specific statute. It was noted that collaborative drug therapy

management had already been practiced in hospitals, but was a new concept in a community setting

One specific issue was discussed---allowing the pharmacist to obtain or to conduct specific laboratory tests. Commenters expressed some concern over the delegation of this authority, but expressed hope that further discussion would resolve the issue.

Action: Committee members did not want to delay the implementation of this program but felt that the issue of statutory authority for this program should be addressed by the legislature and voted a general referral of that issue.

Next Meeting. The July committee meeting will be held on Monday, August 7th, and Tuesday, August 8th, 2006, 9:00 a.m. in the Statehouse, Room #22.

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